



DIVISION OF  
ENFORCEMENT

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549

**MEMO ENDORSED** at p. 2

VIA ECF

June 27, 2023

The Honorable Edgardo Ramos  
United States District Court for the Southern District of New York  
40 Foley Square, Courtroom 619  
New York, New York 10007

Re: SEC v. Genesis Global Capital, LLC et al., LLC, No. 1:23-cv-287

Dear Judge Ramos:

The undersigned represents Plaintiff Securities and Exchange Commission (“SEC”) in the above-referenced matter. We write pursuant to Section 2.A.ii of Your Honor’s Individual Practices to respectfully request a two-week extension of time – from July 7, 2023, to July 21, 2023 – to file its Response In Opposition to Defendants’ Motions to Dismiss the Complaint and for leave to exceed the 25-page limit per Section 2.B.i of Your Honor’s Individual Practices. This is the SEC’s first request for an extension of time or leave to exceed page limits. Counsel for SEC and Defendants have conferred, and Defendants consent to this request.

The SEC filed its Complaint on January 12, 2023. ECF 1. On March 13, 2023, Defendant Gemini Trust Company LLC (“Gemini”) filed an unopposed letter motion for a 45-day extension of time to answer or otherwise respond to the Complaint. ECF 14. On March 13, 2023, the Court granted the letter motion, extending the deadline to May 4, 2023. ECF 15. On March 16, Defendant Genesis Global Capital LLC (“Genesis”) filed an unopposed letter motion for a 45-day extension of time to answer or otherwise respond to the Complaint. ECF 21. On March 16, 2023, the Court granted the letter motion, extending the deadline to May 4, 2023. ECF 22.

On May 4, 2023, Genesis filed a letter motion requesting a pre-motion conference regarding Genesis’s proposed motion to dismiss the Complaint. ECF 24. On May 4, 2023, Gemini filed a letter motion with the same request. ECF 25. On May 16, the Court held a pre-motion conference and granted Defendants motions and granted leave to file their motion to dismiss with the following briefing schedule: Motion due May 26, 2023; Opposition due July 7, 2023; and Reply due August 4, 2023.

On May 26, 2023, Gemini filed its Motion to Dismiss the Complaint with a memorandum in support of the motion totaling 15 pages. ECF 30-31. On May 26, 2023, Genesis filed a separate Motion to Dismiss the Complaint with a memorandum in support of its motion totaling 31 pages. ECF 33-34.

Due to the number of issues raised in each of the Motions to Dismiss and the fact that the SEC is responding to two separate motions, the SEC requests two additional weeks to file a single brief in opposition to both Motions to Dismiss and five (5) additional pages of text. Counsel for SEC and Defendants have conferred and respectfully propose the following briefing schedule: the SEC will file its opposition by July 21, 2023, and GGC will file its reply by August 18, 2023. The additional time and pages will aid the Court in deciding each Motion to Dismiss by allowing the SEC to fully and completely respond to the numerous arguments made in each Motion to Dismiss. The request is made in good faith and will not delay the litigation.

Respectfully submitted,

/s/ Edward J. Reilly

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cc: All Counsel of Record (*via ECF*)

The request for a two-week extension of time to file the opposition brief is granted. The request to exceed the page limit by 5 pages is also granted. The SEC shall file the opposition by July 21, 2023, and Gemini shall file its reply by August 18, 2023. SO ORDERED.



Edgardo Ramos, U.S.D.J.

Dated: June 28, 2023

New York, New York